



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
Attorney General

DIVISION OF SOCIAL JUSTICE
Environmental Protection Bureau

Via CM/ECF

July 11, 2025

The Honorable P. Kevin Castel
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States of America v. State of New York*, No. 1:25-cv-03656

Dear Judge Castel:

This office represents defendants State of New York, Governor Kathleen Hochul, Attorney General Letitia James, and Commissioner of the New York State Department of Environmental Conservation (DEC) Amanda Lefton¹ (collectively, the State) in this action. The State respectfully requests an extension from July 16, 2025 to July 24, 2025 of the deadline set forth in the Court's July 2, 2025 Order (ECF 34) for the State to respond to the United States' July 2 pre-motion letter (ECF 33) and July 10 response to the Court's July 2 Order (ECF 36). There is currently no conference scheduled before the Court.

In this action, the United States challenges New York's Climate Superfund Law (the Act) on several grounds, including statutory and constitutional preemption and the dormant Commerce Clause. The Act seeks to recover a portion of the enormous costs to New York of responding to climate change and thus is of great significance to New York. As a result, the State and its lawyers need sufficient time to ensure that any response that it makes to the claims made by the United States has been rigorously and thoroughly prepared. That preparation necessarily includes consultation with the senior staff of the three high-level state officials who are named as defendants: the Governor, the Attorney General, and the DEC Commissioner. For these reasons, the State seeks two weeks from the date of the United States' July 10 submission to submit its response.

This is the State's first request for an adjournment to respond to the United States' pre-motion letter. The United States opposes this request. The State recognizes

¹ Amanda Lefton was Acting Commissioner when this action was filed but was confirmed as Commissioner by the New York Senate on May 28.

that the extension it has requested will displace the briefing schedule proposed by the United States. That schedule, which seeks to have the United States' motion filed only two days after the State's current deadline to respond to the premotion letter and only three days after the United States' response to the State's pending motion to transfer is filed, is impracticable. There is no actual prejudice to the United States from the requested adjournment and, as noted, the additional time is required for the State to ensure that the State has adequate time to prepare its response and the named defendants have adequate time to review the response. Moreover, since the Act does not require DEC to issue regulations until mid-2027 and to send cost-recovery demands to responsible parties until June 30, 2028, there is ample time for the parties to litigate this action before the Act is operative.

Respectfully,

By: /s/ Laura Mirman-Heslin

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